

ORAL HISTORY INTERVIEW

ROSE STRICKLAND



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OPEN FOR RESEARCH



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Donald B. Seney in 1998
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Editorial Convention

A note on editorial conventions. In the text of these interviews, information in parentheses, (), is actually on the tape. Information in brackets, [], has been added to the tape either by the editor to clarify meaning or at the request of the interviewee in order to correct, enlarge, or clarify the interview as it was originally spoken. Words have sometimes been struck out by editor or interviewee in order to clarify meaning or eliminate repetition. In the case of strikeouts, that material has been printed at 50% density to aid in reading the interviews but assuring that the struckout material is readable.

The transcriber and editor also have removed some extraneous words such as false starts and repetitions without indicating their removal. The meaning of the interview has not been changed by this editing.

While we attempt to conform to most standard academic rules of usage (see *The Chicago Manual of Style*), we do not conform to those standards in this interview for individual's titles which then would only be capitalized in the text when they are specifically used as a title connected to a name, e.g., "Secretary of the Interior Gale Norton" as opposed to "Gale Norton, the secretary of the interior;" or "Commissioner John Keys" as opposed to "the commissioner, who was John Keys at the time." The convention in the Federal government is to capitalize titles always. Likewise formal titles of acts and offices are capitalized but abbreviated usages are not, e.g., Division of

Planning as opposed to "planning;" the Reclamation Projects Authorization and Adjustment Act of 1992, as opposed to "the 1992 act."

The convention with acronyms is that if they are pronounced as a word then they are treated as if they are a word. If they are spelled out by the speaker then they have a hyphen between each letter. An example is the Agency for International Development's acronym: said as a word, it appears as AID but spelled out it appears as A-I-D; another example is the acronym for State Historic Preservation Officer: SHPO when said as a word, but S-H-P-O when spelled out.

Introduction

In 1988, the Bureau of Reclamation created a History Program. While headquartered in Denver, the History Program was developed as a bureau-wide program.

One component of Reclamation's history program is its oral history activity. The primary objectives of Reclamation's oral history activities are: preservation of historical data not normally available through Reclamation records (supplementing already available data on the whole range of Reclamation's history); making the preserved data available to researchers inside and outside Reclamation.

In the case of the Newlands Project, the senior historian consulted the regional director to design a special research project to take an all around look at one Reclamation project. The regional director suggested the Newlands Project, and the research program occurred between 1994 and signing of the Truckee River Operating Agreement in 2008. Professor Donald B. Seney of the Government Department at California State University - Sacramento (now emeritus and living in South Lake Tahoe, California) undertook this work. The Newlands Project, while a small- to medium-sized Reclamation project, represents a microcosm of issues found throughout Reclamation: water transportation over great distances; three Native American groups with sometimes conflicting interests; private entities with competitive and sometimes misunderstood water rights; many local governments with growing water needs; Fish and Wildlife Service programs

competing for water for endangered species in Pyramid Lake and for viability of the Stillwater National Wildlife Refuge to the east of Fallon, Nevada; and Reclamation's original water user, the Truckee-Carson Irrigation District, having to deal with modern competition for some of the water supply that originally flowed to farms and ranches in its community.

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For additional information about Reclamation's history program see:
www.usbr.gov/history

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**Oral History Interview
Rose Strickland**

Seney: My name is Donald Seney. I'm with Rose Strickland in her home in Reno, Nevada. Today is August 27, 1998. This is our first session and our first tape.

Good afternoon.

Strickland: Good afternoon, Professor.

Seney: You don't need to call professor, I don't feel like a professor when I do this. Just an anonymous handler of the microphone.

Why don't you tell me how you got interested in environmental issues and maybe how you—are you a native of Nevada?

Strickland: No.

Seney: How you got here and how you got interested in environmental issues.

Awareness of Environmental Issues

Strickland: Probably the same way most people get interested, which is a love of the outdoors

and a lot of camping and hiking and mountain climbing, explorations of the Great Basin, and noticing which parts looked in very good shape, which parts looked in very bad shape.

Seney: What would some of the latter and the former be, in that case?

Strickland: Basically the B-L-M [Bureau of Land Management] lands, the lowlands, and really quite a few Forest Service watersheds also in very poor shape from livestock grazing. And beginning to ask questions about surely ~~grazing isn't permitted~~, overgrazing isn't permitted. Surely overgrazing is against the law. Who's responsible for this mess? That led me into learning quite a bit about the Bureau of Land Management and the U.S. Forest Service. The two forests here in Nevada and the about 65 percent of lands in Nevada which are managed by the Bureau of Land Management, that led me into a course in laws and regulations, environmental impact statements, meetings, range tours, etc.

Seney: When did you begin to do all this? What years?

Strickland: Back in the mid seventies, late seventies. So

I was involved with all the environmental impact statements written on all the public lands in Nevada and generally surrounding areas. I wasn't only interested in land issues, though. I was also interested in rivers and wetlands.

The Sierra Club here, of course, has been more interested in rivers, has been interested in the rivers and lakes for a long time, before I even came here. There was a Pyramid Lake Task Force back in the seventies that was trying to figure out how could you preserve Pyramid Lake and maintain the agricultural community out in Fallon with limited water supplies. I came in after that phase had come and gone.

Seney: This was a Sierra Club task force?

Strickland: Yes, here in the Toiyabee chapter, which covers Nevada and Eastern California. I probably got more involved just as interest in wetlands and birding and discovering Stillwater [National Wildlife Refuge] and Carson Lake out in Lahontan Valley.¹

1. U.S. Fish and Wildlife Service, "Stillwater National Wildlife Refuge is located in the Lahontan Valley of north-central Nevada, near the community of Fallon, sixty miles east of Reno. This area has been
(continued...)

Seney: I did ask, are you a native Nevadan?

Strickland: No.

Seney: Where do you come from?

Strickland: I'm from Mississippi.

Seney: From Mississippi. I do notice, especially on the phone, the remnants of a Southern accent, yes. I don't notice it so much today, but on the phone I thought I caught that. Were you interested there in environmental matters, too?

Strickland: No. I was a young whippersnapper there.

Seney: [Laughter] Okay.

Strickland: Interested in things only young whippersnappers are interested in.

Seney: I understand. It's when you came here that you began to experience the outdoors?

1. (...continued)

designated a site of international importance by the Western Hemispheric Shorebird Reserve Network because of the hundreds of thousands of shorebirds, such as Long-billed dowitcher, Black-necked stilt, and American avocet passing through during migration."
www.fws.gov/refuge/Stillwater/about.html.

Strickland: Well, one must contrast the two states. I came from the wettest state in the union to the driest state in the union. In Mississippi, not having enough water is rarely, very rarely a problem there. What to do with too much water is far more likely to be of interest to people there.

Seney: Yes. One of the things that we try to capture here, as I said before we started on the tape, we get a lot of information from the memos and reports, and this gives us an opportunity to explore the sort of emotional dimension, the feelings that people have. Can you kind of articulate for us your feelings about the outdoors and what that kind of experience means to you, so that someone reading this 100 years hence can get a sense of the emotional attachment you feel toward those things?

Attachment to the Outdoors

Strickland: It's scary to think of people reading or listening to this 100 years hence.

Seney: [Laughter] They may have little to do. Who knows?

Strickland: I think somewhere along the way, in getting

these fantastic outdoor experiences in Nevada, in the Sierra Nevada, in this general neck of the woods, at least to some people, is a feeling of the need to take care of these special places, and what does it mean to do that. If it means reading an environmental impact statement and commenting or going to a public meeting and commenting, it kind of grows from your experience, a sense of responsibility for what goes on, and a recognition that very few people have either the time or interest to do this.

Most of Nevada is public. That means it belongs to people like you and me. And yet there are very few people who spend a lot of time and energy wondering about management issues and what's working and what's not working, and how to make it better, and how to save places that are in danger of disappearing or wildlife species. Somehow I got into that mode of responsibility as well as enjoyment of these places.

Seney: So you felt you had a responsibility, once you enjoyed them, to make sure they were still there next time you came out?

Strickland: Yes.

Seney: Okay. What attracted you to the Sierra Club? Was that the only environmental organization available, or was there something about it that drew you to the Sierra Club? Because you've been president for a while, have you not? Are you still president?

Sierra Club

Strickland: No.

Seney: You were for a period of time.

Strickland: Yes.

Seney: For how long?

Strickland: I think it was about two years, of this particular chapter. When I first came to Reno, I didn't find the Sierra Club; I found the Northern Nevada Native Plant Society, and began taking trips with very knowledgeable people interested in plants, and actually that is more my interest in my background. But I also found the Audubon Society and the Sierra Club. I was much more interested in hiking at first, and then became interested in birds later on, always maintaining an interest in native plants.

Seney: But you must have been drawn to the Sierra Club for its, what, political orientation?

Strickland: I was drawn to the Sierra Club for hiking opportunities.

Seney: All right. When I called the Sierra Club, in the incident I mentioned to you before the tape was on, they did have all kinds of things listed—if you want to go on this or that or the other, here's the numbers to call.

Strickland: Sierra Club leads hundreds of trips every year, mostly around here because that's most convenient, but also all through Nevada, all through the Sierra Nevada. You can go just about anywhere any way, from hiking to backpacking, to mountain biking, to just car camping. So I learned many places in the state because of my involvement on Sierra Club trips. I'm also a leader on Sierra Club trips, too.

Seney: So you will lead some of those?

Strickland: Yes.

Seney: What year did you join the Sierra Club?

Strickland: I think it was back in the early seventies when I was still living in Arizona. That,

again, was specifically for hiking. It's a wonderful place to hike.

Seney: Yes. So when you came here, you simply continued your membership or renewed it, or transferred it, or whatever one does?

Strickland: Right.

Seney: When did you become involved in the Truckee-Carson [rivers] questions? And how did that happen? How did you get drawn into that?

Representing Wetlands Interests

Strickland: Probably when I first went out and took a trip to Stillwater and Carson Lake, and wondered why there wasn't enough water to maintain these marshes. Then the negotiations came along for Senator [Harry] Reid,² and I began to wonder who was going

2. Harry M. Reid served the state of Nevada in the United States Senate from 1987 to 2017. Senator Reid also participated in Reclamation's Newlands Series oral history project. See, Harry Reid, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and further edited and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2013, (continued...)

to represent the interest of the wetlands. There were a lot of people interested in the wetlands, a lot of different organizations, but no real way for us to work together.

Early on, I think a number of people realized that we were going to have to form a coalition of some sort in order to pull [together] all our efforts and all our resources. Individually we were not going to be able to affect anything that was going on, but together, if we were able to work together, that we had more of a chance of having a strong voice for the wetlands compared to the tribe, the farmers, the Sierra Pacific Power Company and so forth.

I believe that the first meeting that we went to on it was at the Nevada Division of Wildlife's offices back in—I want to say '87, '88.

Seney: That would be in Fallon?

Strickland: No, this was here in Reno. It was attended by a large number of people from different organizations—hunters, mostly, but other conservationists, bird groups. And this was

2. (...continued)
www.usbr.gov/history/oralhist.html.

kind of a formal meeting and everybody talked about what they were concerned about.

Then later I got together with Tina Nappe, and we decided, well, if we were going to do it, it looked like we were going to have to do it individually to bring all of these various groups together. So we had a meeting at someone's house, and again we talked about what the issues were and what needed to be done, and whether we were going to be able to do it, and realized that individually, as the Audubon Society or as the Ducks Unlimited, we weren't going to be able to do it individually.

Seney: Politics, of course, from the old phrase, makes strange bedfellows. I think that's true here, isn't it? I mean, you not only had the Audubon Society, but you have Ducks Unlimited, with the somewhat misleading name, that they really want ducks to shoot, actually. You have the Nevada Waterfowl Association. You have—I'm trying to think. There are a whole number of them. The Sierra Club. You were there. And a whole number of people that you think would naturally be antagonistic to one another. Clearly, you had a shared interest here, but

how did you overcome those antagonisms that outsiders might expect, and was that a difficult thing to do?

Building a Coalition to Save the Wetlands

Strickland: There's really only one answer to that, and that is desperation. We knew that we were going to lose the wetlands—period. Whether you were a hunter or a birder or a hiker, there wasn't any voice speaking for the wetlands.

So, it was very difficult, but we spent a lot of time and energy working on our mission statement, what we were going to do and what we weren't going to do. We were not going to work on things that divided us.

Seney: What would be some of those? Do you remember some issues?

Strickland: Hunting versus non-hunting. Trapping versus the Humane Society.

Seney: Just going to leave those off the table?

Strickland: They're not on the table. The things that we could work on, we would work on, and the things that might have divided us on other

issues were just not important for the group that was working on the wetlands.

Seney: One of the things that you had to come up with was a number that you would support, and the number turns out to be 25,000 acres of wetlands that finds its way into the legislation [Public Law 101-618],³ and that was the number that the Wetlands Coalition endorsed.

3. Public Law 101-618 became law on November 16, 1990. The Law contains two acts: The Fallon Paiute-Shoshone Tribal Settlement Act and the Truckee-Carson-Pyramid Lake Water Rights Settlement Act. The main topics of the legislation are:

1. Fallon-Paiute Tribal Settlement Act
2. Interstate Allocation of water of the Truckee and Carson rivers.
3. Negotiations of a new Truckee River Operating Agreement (TROA).
4. Water rights purchase program is authorized for the Lahontan Valley wetlands, with the intent of sustaining an average of about 25,000 acres of wetlands.
5. Recovery program is to be developed for the Pyramid Lake cui-ui and Lahontan cutthroat trout.
6. The Newlands Project is re-authorized to serve additional purposes, including recreation, fish and wildlife, and municipal water supply for Churchill and Lyon counties. A project efficiency study is required.
7. Contingencies are placed on the effective date of the legislation and various parties to the settlement are required to dismiss specified litigation.

Source: [http://www.usbr.gov/mp/lboa/public law 101618.html](http://www.usbr.gov/mp/lboa/public%20law%20101618.html)
(Accessed December 2011).

Apparently there was some controversy over that, that especially the waterfowl people wanted more acreage. Can you talk a little bit about how that number was arrived at and what was the compromise and the sort of political discussion that preceded that 25,000 number?

Determining the Size of the Wetlands

Strickland: We knew what the historical acreage of the wetlands had been; it was enormous. We had lost something like 90 percent of historic wetlands in western Nevada. Deciding how much of that we wanted to try to recoup or restore in Lahontan Valley was the topic of many, many, many meetings.

That number actually came from the Nevada Division of Wildlife. The Wetlands Coalition was greatly aided by a very strong technical side. We had one wildlife biologist at the federal level and also at the state level, informing us, because we didn't know the technical details any more than anybody else did. But over time we were able to get a lot of very specific information. We used to generate page after page of questions as we grappled with possible solutions to save Stillwater. And we got many of those questions answered either at

the federal level or the state level.

The particular number was something to hang your hat on. We knew it wasn't anywhere near the historic average. It was certainly nowhere near the historic low, either.

Seney: Which was about 10,000 acres, wasn't it?

Strickland: You hear different numbers from different people. There were numbers everywhere, coming from every direction. Twenty-five thousand was a number that the state wildlife biologists came up with.

The politicians latched onto it immediately because it was concrete, it was definite. As I recall, what we were talking about more was money. How much money could we get to buy water rights? This was long after we had decided what the real solution for saving Stillwater was, and that was to buy water rights on the market from willing sellers. It seems pretty common sense now when we talk about it, but when we started, we had no idea how to save the wetlands. And only somewhere along the line did it finally occur to us that the easiest way, instead of arguing the value of the

wetlands and wanting a piece of the pie and all this sort of thing, was just simply a market transaction. You buy the water from people who want to sell it.

Purchasing Water for the Wetlands

Seney: The first purchase was actually what, 300 acre feet, was bought—I think the Waterfowl Association raised—

Strickland: The first purchase was bought by the Waterfowl Association, but I don't remember it being anywhere near 300 acre feet. That's a lot of water.

Seney: I guess it is. Maybe 30 or so.

Strickland: Might have been more like—I think you're a zero maybe off there.

Seney: Yes, I think I may be, as a matter of fact. And apparently at that point, because no one really knew what the mechanism was going to be here, the Nature Conservancy is pulled into this. Were you part of getting them involved in this?

Strickland: Yes.

Seney: Talk about the role of—I know Mr.

Livermore was involved and so forth. What role did he play in all of this?

Strickland: We realized that after we decided what our solution was and how much water we needed, there were still those very sticky details. How do you buy it? How do you transfer it? And all those sorts of things. So none of us being real estate, we knew that we didn't have that particular expertise.

The Waterfowl Association was terrific in terms of raising money and having a very "can do" attitude about solving problems, but they had no real estate expertise either. So, we knew we needed someone who could really deal in the water market.

One of the first groups that popped to mind was the Nature Conservancy. It took us many years to get the Nature Conservancy [TNC] interested and involved in Stillwater, though, and many letters, many phone calls, many invitations. To get the process started, the Waterfowl Association bought the first water rights, but, over time, turned that over to T-N-C, who supplied people who actually—an attorney that could help work through the legal aspects.

Seney: Mr. Robert Wiggington? You're saying yes. The tape won't see you nod.

Strickland: Yes. And the other very strong technical person we found was David Yargas, with the Environmental Defense Fund, who also had some level of expertise in economics and in marketing. And in the gory details of acre feet and transfer rates and all of the many things that went into making this market work.

Seney: It's not a simple matter, is it?

Difficulties in Securing Water Rights

Strickland: I haven't found anything simple about it at all, except the idea, which was, we buy the water. The wetlands needs water. We buy water from people who don't need it or are willing to sell it or lease it to us. That was very simple, and that was what I call cutting the Gordian knot. It was impossible to untangle all of the legal restraints, the federal interests, the tribal interests. There was no way to do that. There was no way to know which string to pull to try to untangle that knot. So we didn't untangle it. We just went straight to the solution, which was buying water from willing sellers.

- Seney: Did you have opposition from the very beginning to this? Did the tribe find out what you were doing? When we say "the tribe," we mean the Pyramid Lake Tribe, although there are three tribes really involved in all of this in one way or the other.
- Strickland: What's the other tribe?
- Seney: The Washoe and Fallon tribe.
- Strickland: I'm not aware of the Washoe Tribe[*'s* involvement].
- Seney: I mean generally in the Truckee-Carson.
- Strickland: The Washoe Tribe was never involved with the issues on the lower basin.
- Seney: Right.
- Strickland: It was the Fallon Tribe and the Pyramid Lake Tribe. It was a very simple but profound idea, and the tribe had helped us figure it out long ago through their many lawsuits in which the courts clearly established that water rights were owned by individual farmers, not by the Bureau of Reclamation, certainly, and not by T-C-I-D

[Truckee-Carson Irrigation District]. They are property rights and they are, just like any other property rights, totally subject to the owner's decision as to what to do with those property rights.

This is not the case, obviously, with lots of other Bureau of Reclamation water projects. And the solution would not have worked in most Bureau of Reclamation projects. But in our particular project, thanks to the tribes losing in a million court battles, we were able to use that to make our solution work for our area.

Seney: So their experience provided you the insight into the method you adopted.

Strickland: Right.

Seney: But once you began to want to buy water rights, did they try to interfere with that?

Pyramid Lake Tribe's Response

Strickland: The tribe always protects its own interest, and they are ably represented by Bob

Pelcyger.⁴ I can't think of any decision that has gone on with the Newlands Project in the last twenty, twenty-five years, that hasn't been affected by Mr. Pelcyger's representation for the Pyramid Lake Tribe.

The Fallon Tribe, I don't think. They are mostly represented by the Bureau of Indian Affairs, so they're less involved with all of the minutiae and the thousands of decisions that go on.

Seney: This acquisition of water by the Waterfowl Association is going on in '86, '87, '88, somewhere in this time frame.

Strickland: I think it was more like '88, '89, '90.

Seney: At the same time that the negotiations that precede Public Law 101-618 are going on, right?

4. Robert S. Pelcyger participated in Reclamation's Newlands Series oral history project. See, Robert (Bob) S. Pelcyger, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews conducted by Professor Donald B. Seney for the Bureau of Reclamation, in 1995 and 2006, in Reno, Nevada, and Boulder, Colorado, 1995 interviews edited by Donald B. Seney and all interviews further edited by Brit Allan Storey, senior historian of the Bureau of Reclamation, 2013, www.usbr.gov/history/oralhist.html.

Strickland: Yes, although the first acquisition may have been even in '90. I'm not sure exactly when they started. I don't remember.

Becoming Involved in Settlement Negotiations

Seney: But you talked a while before you could make that acquisition.

Strickland: Quite a long time before we could figure out how to do it.

Seney: When Senator Reid sent out the letter in 1987 inviting people to come and talk about solving the problems of the Truckee-Carson Basin, you didn't get one of those letters, did you, the Sierra Club didn't?

Strickland: No.

Seney: The Waterfowl Association didn't. I've heard it said by allies of yours that you have said that in order to get invited to the party, you had to kick down the door to get into the negotiations.

Strickland: I don't know if we kicked the door down. But we did a very good job of creating a coalition of very diverse groups and beginning to raise the issue, the wetlands issues, not at the table, because we were not

invited to attend the negotiations, but in the press, in the media, in our own organizations, with federal elected officials and state elected officials.

In fact, it became obvious fairly early on that the only issue that everyone agreed on in Lahontan Valley was that the wetlands should be saved. Now, everybody had a slightly different idea of how that would be, but in terms of a popular issue, it was something that everyone could support. In terms of the lake, there were the pros and the cons. In terms of the farmers, there were pros and cons. But in terms of the wetlands, it was pros.

Due to our efforts, we made it easy for people to support the wetlands, whether you were a farmer or lived in Reno-Sparks or lived in the Bay Area. We had tremendous interest from all over Northern California, in Nevada, in the wetlands itself.

There were bad things happening. There were big fish kills. There were droughts. There were major disasters out there on the wetlands, and they got very well-covered by the media, and people began to get the idea of what was at stake and what could be lost.

Seney: These came about just about the same time as the problems in California in the Kesterson sink, didn't they?⁵

Strickland: Yes.

Seney: Was that helpful to you?

Strickland: I think so. I think obviously our project was much smaller, I think, than Kesterson. And although we were worried about the effects of pesticides, because there were deformities showing up in pelicans and some of the other birds, so we didn't really know whether the major problem at Stillwater and Carson Lake was water quantity or water quality. If the water quality was so poor, then did we really want that kind of water in the wetlands anyway? So we did struggle quite a bit with both of those issues.

Seney: Certainly if the water quality was poor, that

5. "Completed in 1971 by the Bureau of Reclamation, Kesterson included 12 evaporation ponds for irrigation drainage water. The reservoir, a part of the San Luis National Wildlife Refuge, was an important stopping point for waterfowl. In the 1960s officials proposed a 290-mile drainage canal to the ocean known as the San Luis Drain. Only 85 miles were completed, however, and work on the drain halted in 1986 after scientists discovered bird deformities due to drainage at Kesterson." For more information, see Water Education Foundation, "Kesterson Reservoir," www.watereducation.org/aquapedia/kesterson-reservoir. (Accessed 5/2016).

would be another reason to buy water, rather than depend on tail water or spill. Spills are all right, but not tail water so much.

Strickland: Absolutely correct. We knew that we needed to get fresh water supplies into the wetlands.

Seney: So tell me how you got through the door. Were you the political person on this?

Joining the Settlement Act Negotiations

Strickland: I think there were quite a few of us.

Seney: Remember some of those discussions on "How do we get to the table here? What do we do?"

Strickland: Not really. Not precisely. We did want to sit at the table. Finally, indeed, thanks to Senator Reid, we did get invited. We discussed who would go, and I did volunteer and was selected by my cohorts. This was not a really great job, because our coalition was a very shaky coalition. We never knew at the ~~end~~ [beginning] of the meeting if we were going to still be together [at the end] as a coalition, because there were many issues that divided us and over which people had

very strong opinions.

I described the situation as being caught in the crossfire between the bows and arrows of the Indians and the shotguns of the farmers. We had to work very hard every time we met, every time we worked on an issue, to keep focused on the wetlands, because just like you described, President Hoover, when we heard the Indians make a presentation on an issue, it sounded very good, and we thought, "Well, this sounds—we probably agree with that." Then we would hear the farmers make a presentation on the same issue, and we would think, "Well, you know, that actually is very reasonable. Maybe we should go this way."

And it was very difficult for us to stay right in the middle, keep focused on the wetlands, and the issues where we just could not agree or could not come up with a solution that would benefit the wetlands, we just chose not to deal with. It was always a crap shoot, whether we were going to be able to continue to do that.

But finally we were able to—we did receive an invitation to come to one of the negotiation sessions, and when I arrived,

that was the very meeting that Lyman McConnell announced that T-C-I-D was pulling out of the negotiations.⁶ I was absolutely devastated personally, because it had been so long and it had taken us so much time and effort to even get up to speed, to be able to sit at the table to represent the wetlands. And then to have the disaster occur, farmers were pulling out, I thought, "Well, this is the end of the negotiated settlement. We'll never be able to solve any of these problems. This is the end of the wetlands."

As it turns out, I was more pessimistic than I should have been. And the negotiations proceeded, although haltingly at times, until we actually did get a law that most people could live with, that held the farmers' issues harmless in terms of water rights, and in which the wetlands issues were incorporated very well.

Seney: Let me stop you to ask you to go back and

6. Lyman McConnell participated in Reclamation's Newlands Series oral history project. See, Lyman McConnell, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Andrew H. Gahan, historian, Bureau of Reclamation, 2018, www.usbr.gov/history/oralhist.html.

talk about that meeting with Lyman McConnell, because this, as you know, is part of the mythology of the negotiations, what happened and why it happened. Were they thrown out? Did they walk out? And you're smiling broadly because you're familiar with all this. And when you ask me, what will this project contribute to an understanding of the history of it, everybody has a slightly different—

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TCID's Withdrawal from the Negotiations

Seney: You know, it's not like I'm talking here to the tribe or to the federal officials or to T-C-I-D. You're a more neutral observer.

Strickland: I don't think any of us are neutral. However, I happened to be sitting—

Seney: Well, I did say "more neutral."

Strickland: —in the chair next to Lyman McConnell when he made the announcement.

Seney: I do want to say, I said "more neutral."

Strickland: Okay.

Seney: I didn't say "neutral." Because I know there is no neutrality here. I mean, everybody, all of these interests are inter-layered and you can't separate them out. It's very difficult to do that, I think.

But tell me, where was this, and explain it in excruciating detail what happened and what you saw.

Strickland: I'm sorry, my brain is not capable of giving you excruciating details.

Seney: Then detail will be enough.

Strickland: As I recall, the meeting was in the Sierra Pacific conference room, a very impressive long, wooden, massive wooden table with extremely large chairs which were not suitable for someone of my stature, much less my mental and nervous condition I was in. But I was sitting next to Lyman McConnell and the T-C-I-D folks at the table when Lyman made the statement that his board had decided to withdraw their issues from the table, not that they were saying the negotiations were over or that they would not participate. But that as far as they were concerned, they did not want any negotiations to resolve their many issues, for

instance, OCAP [Operating Criteria and Procedures] and all that sort of thing.

Seney: Recoupment.

Strickland: Recoupment.⁷ Well, I don't know if recoupment had come up at that particular point. This was pretty early on. I was devastated, because I thought that this was the end of the negotiations. I remember Bob Pelcyger took me to lunch afterwards. Not being that great a poker player and also being devastated by what happened at the very first meeting the wetlands got to go to, I was personally devastated, which must have been pretty apparent to a person like Bob Pelcyger.

7. "The United States pursued recoupment of the diversions made by the District in violation of the operating criteria in effect from 1973 until 1987. Following a four week bench trial in 2002, the district court issued judgment against the District and directed it to repay the Truckee River 197,152 acre feet of water over twenty years. In 2010, the Ninth Circuit affirmed the district court's ruling on liability, but remanded to the district court to recalculate the amount of water that the District was required to repay without adjustments that had lowered the amount under the original judgment. Remand proceedings, to recalculate the amount of water owed to the Truckee River, are pending. The case represented one of the first uses of a restitutionary remedy in the context of water rights and federal Indian trust responsibilities." See, United States Department of Justice, "Truckee Carson Litigation," <https://www.justice.gov/enrd/project-water-rights> (Accessed 4/2017).

So we went to lunch afterwards, and he explained more about the process and why he didn't think this was the end of the negotiations. And the wetlands people should stay in, and everybody else was going to stay in, and there were going to be ways to work problems out and whatnot. So he definitely gave me a pep talk at that point.

I also need to go back and explain something to you also about these early days.

Wetlands Coalition Worked with All Parties

Seney: Sure.

Strickland: Everyone was off in their own individual corners. The tribe was with the tribal interests. T-C-I-D was with T-C-I-D interests. The feds were at the federal level. California was over in that corner. In fact, if you ever went to a TROA [Truckee River Operation Agreement]⁸ negotiating session,

8. "More than 27 years in the making, the Truckee River Operating Agreement (TROA) now guides use of the river that winds nearly 120 miles from the mountains of Lake Tahoe to Pyramid Lake and is the primary water source for Reno and Sparks. The long-pursued
(continued...)

afterwards you would see an enormous room and individual factions off with themselves.

The Wetlands Coalition was the only group meeting on this issue which had open meetings. Everyone was invited to come: the tribe, the farmers, the feds. We did not discriminate against anyone. We were not afraid to talk about our issues in front of anyone. We figured that the more we knew, the more everybody else would know, and we had no secrets.

Seney: Right.

Strickland: We were right out in front the entire time.

8. (...continued)

plan brings the Truckee River's management into modern times, protects the area from protracted droughts and offers a promising future for the region....

"The agreement brings an end to historic uncertainty between Nevada and California over distribution of the river's water, allocating 90 percent to Nevada. Beyond enhanced drought storage for the Truckee Meadows community, it modifies the operation of federal and selected non-federal reservoirs in the river system to protect and improve water quality and enhances conditions for the endangered Pyramid Lake cui-ui and the threatened Lahontan cutthroat trout. By retaining more water in upstream reservoirs, TROA also expands the range of recreational opportunities, including boating and fishing." See, Truckee Meadows Water Authority, "Truckee River Operating Agreement," http://tmwa.com/water_system_settlement/ (Accessed 2/2019)

We were nowhere near the caliber of the negotiators from all of the other factions, and we didn't pretend to be. I think our handle was our concern for the wetlands and getting the facts out on the table. In addition to that, we realized, of course, that there were all these sides, and when they wouldn't come to the table, we would go to them. We would go and talk to T-C-I-D. We would go and talk to the tribe. We would literally go and make the rounds. If an issue came up and we wanted to know how people felt about it, and they wouldn't come to one of our meetings, we would go to one of their meetings or we would just go out in the communities and try to understand what was going on.

We often met with Bill Bettenberg,⁹ who seemed to have the best overall grasp of what was going on, once he became involved in this issue. Just to try to keep the players straight, what the issues were, what the time lines were. We needed all the help

9. William D. Bettenberg participated in Reclamation's Newlands Series oral history project. See, William Bettenberg, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2009, www.usbr.gov/history/oralhist.html.

we could get, and we were not too proud to ask anyone and everyone for help on any issue and every issue. Unlike the others, who were playing their cards very close to their chest, we didn't have a concept of that.

Seney: You know, one of the things that struck me, speaking of the TROA meeting, and the one I attended, they were very long, some of the longest hours of my life at one of these meetings, is what you suggest, that is, how much people play their cards close to their vest.

But another thing struck me, and this is a meeting in 1994, so Mr. Bettenberg was there and Mr. Disheroon,¹⁰ Gordon De Paoli¹¹ and Sue Oldham from Sierra Pacific

10. Fred Disheroon participated in Reclamation's Newlands Series oral history project. See, Fred Disheroon, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2010, www.usbr.gov/history/oralhist.html.

11. Gordon De Paoli participated in Reclamation's Newlands Series oral history project. See, Gordon De Paoli. *Oral History Interview*, Transcript of tape recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Andrew H. Gahan, historian, Bureau of Reclamation, 2013, www.usbr.gov/history/oralhist.html.

Power, Lynn Collins¹² from the Department of the Interior Solicitor's Office, Mr. Kramer¹³ from the California side. Bob Pelcyger, of course, was there. Pete Morros was there. And how long all of these people have been at this together, and how well they know each other. That's not to say they're conscientiously representing the various interests that they're there to foster, but it really struck me how clubby it was. Did you find it that way when you got finally to this negotiation, that even at that point these people were very familiar with everything and one another? And was it hard to break into that?

Coalition Remained Focused on Its Goal

Strickland: I don't think so, because we weren't

12. Lynn Collins participated in Reclamation's Newlands Series oral history project. See, Lynn Collins, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Andrew H. Gahan, historian, Bureau of Reclamation, www.usbr.gov/history/oralhist.html.

13. John Kramer participated in Reclamation's Newlands Series oral history Project. See, John Kramer, *Oral History Interview*. Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Andrew H. Gahan, historian, Bureau of Reclamation, 2016, www.usbr.gov/history/oralhist.html.

pretending to be experts about water issues or the river system or how it operated or how it should operate. Our issue was, how do we save the wetlands? And operating within that issue, we became the experts on our issue. We weren't pretending to be the experts on other people's issues.

Seney: Sure.

Strickland: So, yes, there certainly is a lot of learning, a big learning curve, when you get into any water issue, I would imagine, in any state, and certainly our issues are no exception to that. But I think that it didn't bother us, because we were so desperate at that point to save the wetlands, that we had no pride, you know. We were perfectly willing to humble ourselves at any opportunity, to learn more about the issues, to figure out where people were coming from. When we asked the tribe or the farmers their opinions or their positions on issues, we weren't kidding. We really wanted to know where they were coming from.

Perhaps in some of these other fora, playing your cards close to your chest is really the right way to operate. But when someone comes and says, "Please, please, please explain to us why is this so

important. What are we missing here?" most people responded in kind. We were the new kids on the block, and they didn't see any harm in actually telling us how they felt about things. You learn. You can learn a tremendous amount by actually listening to people, and we were very good at it.

Seney: As you began to take part in the negotiations, and this would have been, if I remember the time when the farmers left, about '88 or so, late '88, early '89, maybe, when they left and you became part of the negotiations, was it hard to get the wetlands concerns into the legislation, the proposed legislation, or how did that work?

Never a Fish versus Birds Issue

Strickland: It was impossible. One of the reasons the coalition formed—some of this is coming back to me as we talk—was because the Nevada Senator at that time, Chic Hecht,¹⁴ was characterizing the environmental part of this, of the negotiations, as a struggle between the fish of Pyramid Lake and the birds of the Stillwater marshes. As

14. Chic Hecht served the state of Nevada in the U.S. Senate from 1983 to 1989.

environmentalists, we did not feel that the senator was an expert on biological or wildlife issues. He had never shown any interest in it whatsoever beforehand, and we deeply resented him characterizing what the environmental issues were totally inadequately, inaccurately.

As environmentalists, we do not make that choice, "We sacrifice this in order to save that." We do not do that on environmental issues. We tried to explain it to him. We appreciated his help, and he was helpful in getting the first money program to buy water rights for Stillwater, and we would definitely give him credit for that, and he also was interested in our issues, which was nice. But we felt that that was a mis-characterization of the whole issue, that it was like someone said, "Okay, you can save your daughter or your son. Choose which one you want to save." And we very strongly eventually took the middle ground here and said, "That is not the right question. We have no intention of sacrificing either our daughter or our son. We have no intention of saving the wetlands at the cost of destroying Pyramid Lake. There have got to be solutions that work for both the fishes and the birds." And we hued to that course. That was part of the middle ground I was

telling you about.

Everything that we did, we did with the full consciousness of what impact would it have on Pyramid Lake. If it was something that was going to be detrimental, we didn't push it. We looked for ways—and this is why buying the water rights seemed like such a good idea—that would be beneficial to the birds and not harmful to the fish.

Federal Attitude Toward the Marsh

But when we started—back to your other question. When we started, where were the wetlands in the whole panoply of issues? We were nowhere. The feds were telling us that the wetlands were a mistake; they were a violation of the Newlands Project; they resulted strictly as waste and inefficiency from the operations of the Bureau of Reclamation project. Now, we happen to know that the Stillwater marshes had been there long before the Newlands Project, long before the Bureau of Reclamation, and, in fact, long before the U.S. Government—period.

Seney: Yes.

Strickland: So we were very aware, but very upset with the federal attitude toward the marshes, and we just simply refused to accept it.

Seney: Was this the federal government across the board, or was this the Department of Justice?

Strickland: This was essentially the Department of Justice.

Seney: And we're talking about Fred Disheroon in this case.

Strickland: We're talking about Mr. Disheroon, who was not one of our favorite characters at the time. But his attitude helped us, because it helped us realize that in order to get a fair shake for the wetlands out of the negotiated settlement, we were going to have to establish the legitimacy and the validity of these historic marshes, regardless of how we had screwed up their operations since the Newlands Project had started. And that's what we did, collected an enormous amount of information about the wetlands, certainly the relationship between the Fallon Tribe and the wetlands. They are the—they're not the cui-ui eaters, they're the—

Seney: Tule.

Strickland: Tule eaters [cattail eaters *toidikadi*]. We began to learn a lot more about the relationship with that tribe, which has been here probably eight to ten thousand years, dependent on those wetlands, as much as the Pyramid Lake Tribe were dependent on the fish of Pyramid Lake.

Connection between the Lake and the Wetlands

Then we began to find these incredibly wonderful things that linked the two ecosystems, symbolized essentially by the pelicans. The pelicans bred, reproduced at Pyramid Lake on Anaho Island, but there's no food there. Our pelicans are not the kind that dive into the ocean and catch fish. Our pelicans, the white pelicans, are more colonial feeders, too. In order for them to eat fish, they have to have a lot of shallow water where they can work together as a team to get the little fish, herd the little fish to where they can dip their big beaks into the water and collect all these little fish. You cannot do that at Pyramid Lake. There's very little shallow water there. They probably historically ~~did it~~ [fished] at Winnemucca Lake, the other lake that was totally destroyed by the diversions to the Newlands Project. So they had substituted

Stillwater and Carson Lake.

This meant that they would have to make at least two trips a day of forty to sixty miles, flying from Pyramid Lake over to Stillwater, to feed, bringing that food back to Pyramid Lake to feed their babies, who were on Anaho Island. To us, we saw the ecosystems as totally linked. Even though they were different river systems and even though we don't support interbasin water transfers, certainly the birds were the ones that linked the two ecosystems together, and we focused a great deal of public information, raising that awareness of the fact that we were not separate, that we were all linked together, and what was good for the pelicans on Anaho Island, Pyramid Lake, was going to be good for the pelicans out at Stillwater.

Seney: Sort of symbolic, as well as a practical link.

Strickland: It was a very biological, concrete relationship, but it was also a symbolic relationship. It's kind of like the issue of whose birds are they anyway? Our songbirds here in the summer happen to winter down in Mexico and Central America, some even in South America. So whose birds are they? And the truth is, of

course, that they're everybody's birds, and the truth was that these systems are inextricably interconnected.

Seney: Did you overcome Mr. Disheroon's objections with your historical data?

Strickland: I don't know what overcame Mr. Disheroon's objections. His objections perhaps were more from a legal viewpoint. He may have been perfectly correct from a legal viewpoint, but morally he was dead wrong. Biologically he was dead wrong.

And when we linked the two systems together biologically, when we made the wetlands the only issue in negotiated settlement that everyone agreed on. When we made it politically incorrect to be against the wetlands, then whatever legal objections that Disheroon might have had about the existence of the wetlands transmuted themselves into, "How can we make this system work for the wetlands?"

So I'm sure—we may not be aware of it—but I'm sure that a lot of the work that he did eventually made saving the wetlands work.

Seney: How do you mean? What are you thinking of?

Legal Issues Concerning the Use of a Reclamation Project for Environmental Purposes

Strickland: Can water be transported through a Reclamation project into the wetlands? It's a rather important legal question. And the answer was yes. We didn't know exactly how it was going to work, and we weren't necessarily the people who figured out the legal way it worked, but eventually it worked, it occurred. And so all of the legal people were obviously part of that decision. Even maybe the decision of, you know, can water rights be purchased and transferred to a wildlife refuge. When the law eventually was written, it specifically authorized that use for this project and the transportation of that water to a wildlife refuge. All of those people who were involved in that, in writing the law, so I'm making the assumption they were all part of the solution, all part of saving the wetlands.

Seney: Even if they had wanted to tag a cost on, of transportation through the Bureau's facilities, that might have made it impossible to—

- Strickland: Well, actually, we are paying for the transportation. We're paying exactly the same—
- Seney: The O&M costs, aren't you?
- Strickland: We're paying exactly the same as any farmer would pay.
- Seney: Do you know the origins of that?
- Strickland: Origins of what?
- Seney: The fact that you have to pay the O&M costs.
- Strickland: I assume that because we are a water holder on the system, just like anybody else, that we have to meet the requirements of the system, just like any other water user. I think it was one of the issues that we debated early on, but I didn't notice anybody giving us any mercy on that. We are paying our freight just like everybody else is.
- Seney: No. That's a state law that was put in by

Senator Carl Dodge¹⁵ when he was in the [Nevada State] senate, to protect the project, to make sure that you wouldn't alienate water rights from it and reduce O&M costs to the extent that whatever remaining farmers there were would be overburdened with O&M costs.

Strickland: Oh. It certainly makes sense that all the users using the system would pay for the operation and maintenance of that system. Certainly the wetlands people had no objection to that whatsoever.

Seney: Yes. You said that everybody supported it at the table and that you have to make it politically incorrect for them to oppose the wetlands. How did you do that? How did you operate that politically? And let me suggest something here that maybe I'd like you to comment on, too, and that is, once T-C-I-D leaves the negotiations, although initially you were quite bothered by that, was that advantageous to you, do you think, in terms of getting the wetlands into the

15. State Senator Carl Dodge participated in Reclamation's Newlands Series oral history Project. See, Senator Carl Dodge, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview, conducted by Donald B. Seney, Bureau of Reclamation, August 5, 1994, at his home in Fallon, Nevada, edited by Donald B. Seney, www.usbr.gov/history/oralhist.html.

legislation?

Coalition Objectives Need a Strong Newlands Project

Strickland: I don't know that it had anything to do with it whatsoever. I'm certainly no politico that understands all of the things that went into what eventually came into the law itself. I know that we went and talked to Senator Dodge. We talked to all of the farmers over and over again. We wanted to know whether proposals that were on the table were going to affect them.

Seney: This was after they had left the negotiations?

Strickland: I think both before and after, because we really wanted to know whether this was a good thing or a bad thing. We didn't want to support things that were going to be burdensome or would hurt the system, because essentially by buying water rights, we become part of the Newlands system, the Newlands Project, so we wanted a strong project, too. We might not—I mean, certainly we didn't agree with most of the positions that the farmers and the T-C-I board took with regard to many of the issues on the lower basin, but we didn't disagree

with them on all the issues. Some of them we did support. And we certainly at least wanted to understand the impacts of what we were proposing for the wetlands on the Newlands Project.¹⁶ So we kept that attitude strongly in mind the whole time.

Seney: I'm still trying to get a sense of how you got that section into the law. I mean, they're not going to just one day say, "Oh, gee, they're such nice folks and they've been to all the meetings. Let's put that in for them." How did you—

Working to Incorporate Wetlands Protection into the Legislation

Strickland: There were many drafts written of the settlement act, and I remember there must have been a couple of dozen of them that the Wetlands Coalition considered, argued about, rewrote, added this provision in,

16. Authorized by the Secretary of the Interior March 14, 1903, the Newlands Project was one of the first Reclamation projects. It provides irrigation water from the Truckee and Carson rivers for about 57,000 acres of cropland in the Lahontan Valley near Fallon and bench lands near Fernley in western Nevada. In addition, water from about 6,000 acres of project land has been transferred to the Lahontan Valley Wetlands near Fallon. For more information, see Wm. Joe Simonds, "The Newlands Project," Denver: Bureau of Reclamation History Program, 1996, www.usbr.gov/projects/pdf.php?id=142.

dropped that provision off.

So we did have the opportunity to actually affect the way a lot of the language was written, the transfer of Carson Lake. There were lots of issues we were concerned about—the T-J Drain, which was coming off the Fallon Indian Reservation and polluting—in fact, killing—fish and birds on Stillwater proper. There was just a whole list of issues that we had very strong opinions about, and we were part of the process of working those drafts through Congress. David Yardas was very instrumental in a lot of the language stuff, in negotiating with congressional staffs and providing information to the major players on the committees in Congress.

The turning point, I think, came during an early hearing on the bill. Not a good day for the Department of Interior. Several of us went back to Washington for that hearing. I'm trying to think. I think Tina Nappe was the one who testified.

Seney: Yes, but apparently she has said that you and Fred Wright and she wrote the—you all agreed on the testimony.

Strickland: Right. We all agreed on everything we did, but what struck me about that hearing was the disarray that the Department of Interior was in with each agency having a different opinion about what the problems were, much less what the solutions were. This was early in the [Ronald] Reagan era.

Seney: February 1990 hearings.

Strickland: Yes.

Seney: The [George Herbert Walker] Bush era, which would have been the February 1990 hearings.

Congressional Hearings

Strickland: The end of the Reagan era and the beginning of the Bush era. The Interior agencies hadn't even talked to each other. They were actually giving conflicting information right there in the hearing. It was very embarrassing.

We milled around out in the hallway, you know, before the hearing started or during recess, talking to each other. All the factions were there, of course. We flew there together. We flew home together. We

talked to Joe Ely.¹⁷ That was the first time we had really had a really good meeting with Joe Ely, in which we kind of carved out what our positions were face to face, instead of letting other people say what we wanted. We began to be strong voices ourselves. We had opinions. We had reasons why we had particular positions on things. If we were wrong and somebody could show us that, we changed our positions.

It was all, in my mind, though, very much de facto. It was all an interpersonal sort of thing. We were never really a big gun or anything. Along with the five major ones and the twenty-five minor ones, we never really had that kind of institutional access to the negotiations. It was all more interpersonal and driven by our desperation in realizing that we had to do everything. We didn't know what we needed to do, so we tried to do everything in case that was the thing that turned out to be the most

17. Joseph (Joe) H. Ely participated in Reclamation's Newlands Series oral history project. See, Joseph (Joe) H. Ely, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation oral history interview conducted by Donald B. Seney, edited by Donald B. Seney and further edited and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2011, www.usbr.gov/history/oralhist.html.

important thing.

Seney: I want to go back a minute to the testimony by John Sayre, who was the Assistant Secretary for Water and Science, who apparently made a fool of himself before Senator Bradley's subcommittee, representing the Secretary that oversaw the Bureau of Reclamation and so forth. And then Eddie Brown, Assistant Secretary for Bureau of Indian Affairs, was also there. And I can't remember who else. Another member. I have read the testimony. I was urged to read it. What was the atmosphere in the room as especially Mr. Sayre was testifying?

Confusion within the Department of the Interior

Strickland: Embarrassment. This was another real contribution to the negotiated settlement for which the Wetlands Coalition receives no credit. But early on, because we talked to every agency, we realized that the agencies were not talking to each other and, in fact, had no way, had no forum to talk to each other, had no way to work out their differences. Because they were all authorized by different laws and they had different interests, and it was not getting done. It was kind of chaos.

The Wetlands Coalition was the one who called for a water czar, a federal water czar. If you look at some of our early papers, we actually use that word, because we felt we were in Eastern Europe. And it was not only the different interests, like the municipal interests and California, the tribes, the farmers, but we had all these federal agencies who had different interests, too, and no way of communicating.

So we actually take credit for Bill Bettenberg getting appointed eventually to sort of make reason out of this chaos.

Seney: Well, specifically because of that embarrassment before the hearing.

Strickland: I think that was really the turning point, when even the feds realized that they weren't playing off the same program here. They weren't even in the same ball park. [Laughter]

The one thing that did come out very clearly was 25,000 acres of water, wetlands, and that would work out to somewhere like 100 to 125,000 acre feet of water for the wetlands. Maybe it was because it was so clear and definite compared to what was the

interest of the B-I-A [Bureau of Indian Affairs] vis-a-vis the Bureau of Reclamation? That was so nebulous that even the politicos in–

END SIDE 2, TAPE 1. OCTOBER 27, 1998.

BEGIN SIDE 1, TAPE 2. OCTOBER 27, 1998.

Seney: My name is Donald Seney. I'm with Rose Strickland in her home in Reno, Nevada. Today is August 27, 1998. This is our first session and this is our second tape.

You know, one of the things that I wanted to ask you about is, did the Sierra Club, as a national organization, play any role in the legislation? Did you enlist their aid?

Support from National Environmental Organizations

Strickland: I think that we enlisted the aid of every national group—the Sierra Club, the Wilderness Society, the National Wildlife Federation, Natural Resource Defense Council, Environmental Defense Fund. We had resolutions, we had letters of support. Where there were national staff, we had some people making visits to congressional offices.

I would say that the whole environmental issue was very much driven by the local groups, the local chapters here in Nevada, in California, but we were very much linked in with our cohorts over in California, through the regional conservation committees. Everyone knew what was going on. Nobody wanted another Kesterson in Nevada.

I think we did as good a job as we could linking up with all the national groups. It was not like their number-one issue. It never was. It was very much a local issue, but they were generally supportive.

Seney: I've been told by someone on your side that if the wetlands concerns hadn't been included in the legislation, that there was enough fire power on the environmental side to kill the legislation.

Strickland: Well, you hear a lot of talk about that, but its all very much speculation and its all very much after-the-fact kind of thing. We never felt we had enough power to do anything. We didn't know if we could get our part included in the settlement. I don't know if we would have opposed it. We never even considered that it wouldn't be. We knew

that we might not like it, it wouldn't be exactly what we wanted, but I don't think by the time the bill came along that we ever feared that it wouldn't be in the negotiated settlement.

Seney: You must have met—and people on your side, and, I take it, you would have taken the lead in this, too—with Senator Reid a number of times on this.

Senator Reid's Support

Strickland: Many times. And many times with his staff people, who were actually conducting the negotiations.

Seney: Wayne Mehl,¹⁸ for example. Right. Can you talk about the Senator's interest in the wetlands and how you perceived that? And did you have to educate him to it? And how that went.

Strickland: Yes, we had to educate Senator Reid. He

18. Wayne E. Mehl participated in Reclamation's Newlands Series oral history project. See, Wayne E. Mehl, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation oral history interview conducted by Donald B. Seney, edited by Donald B. Seney and further edited and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2013, www.usbr.gov/history/oralhist.html.

always had an interest in the wetlands, but I think his primary interest was in resolving all the water wars. Initially, he, like most people, felt the wetlands were a very peripheral issue, and he wanted something for the wetlands, but he didn't have a concrete idea in his head what it would be. We discussed what level of support the wetlands would need, and he said he thought several million dollars' worth of federal funds to buy water rights would be it. We did not think that that was a good idea, and so we kept after him.

Seney: You mean that was all he'd have to put in the bill or maybe in another bill for you to—

Strickland: To take care of the wetlands issues. I think all of us learned a lot more in the process of pulling that legislation together. Things were changing all the time. And somewhere along the way, I think Senator Reid realized that the wetlands were an integral part of this. I think we actually won our arguments that the two systems were linked and that you didn't have to destroy the wetlands in order to save Pyramid Lake.

I believe that we actually won all of those arguments. So that eventually that

became everybody's feeling, and into a more constructive phase, which is, "Okay, now how do we take care of the wetlands interest," instead of "Do we have to? How much can we get away with not doing?" It sort of turned around 180 degrees, and when it became clear, clear to everyone, how we could take care of the wetlands interest, those kinds of things got put in the legislation and received general support by everybody. It was an incredible turnaround, I think, from the time we started.

Seney: And once you had met with Senator Reid, you had him on your side, I understand, pretty solidly.

Strickland: Almost all the time, because he was interested also in the whole environmental aspects of the negotiated settlement. He was also, of course, I think, I really do think he was primarily focused on resolving the legal fights.

Seney: You mentioned the conflict between the various elements between the bureaus within the Department of the Interior. And within the Fish and Wildlife Service, there's an especial schizophrenia between the people who represent Pyramid Lake and those who have been active in the refuge out at

Stillwater. Could you talk a little bit about how that plays into this and how you worked with the Fish and Wildlife Service?

Support within U.S. Fish and Wildlife

Strickland: Well, it was very difficult to start with, because there was a definite schism between the refuge people and the Reno office people who worried about the Endangered Species Act, to an extent that they didn't talk to each other very much.

Fortunately, we were incredibly fortunate to have the services of Bob Halleck, who was an endangered species kind of a guy, a wildlife biologist who was also committed to the refuge. He was very knowledgeable, very experienced, and perfectly free with his information. He told everybody the same information, whether you were interested from a refuge point of view or endangered species point of view.

I would give him a great deal of credit for educating us about the cui-ui. There were so many false facts floating around. Senator Hecht was involved in supplying a lot of that information. I don't know where he got it. Obviously not from anyone who

knew anything about the cui-ui. There were so many, shall we say, questions of that in the beginning. Bob Halleck was very instrumental in sort of identifying those and providing us the best information that he had.

Seney: Who was he, by the way, as an official? Was he the head of the Reno office?

Strickland: No, he was a Wildlife biologist on the Endangered Species program. But he was a wonderful resource. He not only talked within the Fish and Wildlife Service; he talked to the state wildlife biologists, too. So he was instrumental in a large extent of bridging the community, the wildlife biology community, and coming up with the same set of facts so that we were all playing from the same deck.

I don't know if we could have done it without him. We were not educated. We did not have this information available to us, and he pulled together the best information. And he also lent his moral authority to the fact that you do not have to sacrifice the fish to save the marshes, and you did not have to sacrifice the marshes to save the fish. So we were not only very good citizen advocates; we also had done our homework. We knew

a lot about what we were talking about, and if we didn't know, we said, "We don't know, but we'll find out and we'll get back to you." So that attitude helped us a lot. There still is a lot of misinformation about cui-ui and the marshes.

Endangered Species Issue

- Seney: Well, there are people who feel the cui-ui aren't endangered at all.
- Strickland: Right.
- Seney: The irrigators feel that way.
- Strickland: When we started back in the eighties, there was a lot more worry about the fate of the cui-ui, especially during the drought years. I mean, even the Fish and Wildlife Service didn't know that much about the cui-ui or they never would have built the damn dam out there for trout but not for cui-ui.
- Seney: At Marble Bluff.

Strickland: At Marble Bluff.¹⁹ I mean, we just didn't know. We made some really bad judgments, even those people who were committed to fish and wildlife resources. So we're a lot less worried now about the cui-ui. At least we haven't been able to kill them off, and the negotiated settlement is going to help. Hopefully, we will never be at that point where we could lose those fish. We already lost the Lahontan cutthroat trout out of the lake, and we can never replace that, although we're trying.

Seney: Yes. And, of course, it's been a different species that's been introduced into the lake.

Strickland: There is a species of Lahontan cutthroat which our State Wildlife Division has found, that was planted out in a creek in eastern

19. Constructed between 1973 and 1975, Marble Bluff Dam and Pyramid Lake Fishway are features of the Washoe Project. Marble Bluff Dam is located on the Truckee River approximately 50 miles downstream of Reno, Nevada, and approximately 3 miles upstream of Pyramid Lake. It is a zoned earthfill structure with a height of 22 feet and crest length of 1,622 feet, and it has a capacity of 19,700 cubic feet per second through the spillway. It functions to halt erosion within the Pyramid Lake Paiute Tribe's Reservation and controls water used by the Pyramid Lake Fishway. The Pyramid Lake Fishway, with a capacity to pass 50 cubic feet per second, extends from Marble Bluff Dam about 3 miles and improves the ability of the cui-ui and Lahontan cutthroat trout to migrate to their spawning habitats above the dam in the Truckee River.

Nevada when the Pyramid Lake fish and the Walker Lake fish, trout, were still alive. And they can't for sure genetically prove that this is the same fish, and so they're doing it experimentally. If you take that little creek fish and you put it into a lake, will it grow to forty or fifty pounds? So there's a very slight biological chance that maybe we haven't totally lost that species.

Seney: I did interview Tom Trelease.²⁰ Did you ever meet him?

Strickland: No.

Seney: He was with the Nevada Division of Wildlife and was a fish biologist, and was active in this attempt to sort of reconstruct the Lahontan cutthroat trout. They went up to various lakes.

Strickland: Summit Lake. Another Indian reservation.

Seney: Right. And got what they thought were

20. Thomas J. Trelease participated in Reclamation's Newlands Series oral history project. See, Thomas Trelease, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2019, www.usbr.gov/history/oralhist.html.

close. But I haven't kept up on the news, that they think they've actually found them out in—

Walker Lake

- Strickland: The really bad thing is that I've gotten involved with another lake, which is Walker Lake, which I could talk to you some other time.
- Seney: Sure.
- Strickland: But it is another one of the ancient Lake Lahontan remnants, a freshwater lake at the end of a river that is almost totally diverted for upstream irrigation, another bi-state lake.
- Seney: I understand it's something like 125 percent appropriated or something.
- Strickland: That's approximately right. It might be closer to 140 percent. It has an Indian tribe on it, and it has a lake where the T-D-S [total dissolved solids] levels have gone so high because of the drought and no-flows for like eight years straight, no flows at the lake, that we almost lost the Tui chubb and the Lahontan cutthroat. It's a planted Lahontan cutthroat, but they have to have something to eat, and we almost lost the Tui

chubb when the T-D-S levels reached the tolerance of both of those fish species.

So the four good years we've had have really helped tremendously with that biological problem. But I've become more aware of what the Lahontan cutthroat trout need and what they don't need.

Seney: Let me ask you about the role of Ron Anglin²¹ out at the refuge in terms of the wetlands. Could you talk about that a little bit?

Ron Anglin

Strickland: Ron was another one of those irreplaceable people, the right guy in the right place at the right time. He's a very creative refuge manager. He talked to everyone. He would try anything to save those marshes. He was friendly with the farmers, he was friendly with the Indians. He never gave up. His

21. Ronald M. Anglin participated in Reclamation's Newlands Series oral history project. See, Ronald M. Anglin, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, historian, Bureau of Reclamation, October 14, 1994, in the narrator's office in Fallon, Nevada, edited by Donald B. Seney, www.usbr.gov/history/oralhist.html.

staff generated a lot of information that we needed about wetlands that had never been put down on paper before.

He was always pushing his agency to push the wetlands issue in the settlement talks. That was very difficult. I don't think he would have been able to do it without us. But he was kind of on the inside of the system and we were on the outside of the system.

He was exactly like everybody else in Fallon, he looked like them, he dressed like them, he talked like them. His interests were the wetlands, and so he, I think, was instrumental in making the wetlands okay for the people in Fallon, and beginning the whole process of buying water rights from farmers. "Do you want to sell the water to the federal government?"

"Hell, no."

"You want to sell it to Ron Anglin?"

"Well, okay. I've known Ron. His kid goes to school with my kid." That kind of thing. It was the personal contribution as well as the institutional one that Ron was very good at.

He would go to T-C-I-D meetings. He would answer a question no matter how many times it was asked of him. He was a very human person. He was not a bureaucrat from Washington, D.C. He didn't look a thing like that. He didn't talk like it. He was a very resourceful person and very supportive of our work as the Wetlands Coalition. He was part of that federal support that we needed, as well as the state support that we needed. And another tremendous source of information that we needed in order to raise a consciousness about the values of wetlands.

Seney: Speaking of the state, what was the role of the Nevada Division of Wildlife in all of this?

Nevada Division of Wildlife's Role

Strickland: We had the services of their biologists as well. Norm Sakee knew more about those wetlands, especially the Carson Lake wetlands, than anybody did. He knew requirements for ducks and ibis and shore birds. He knew how the system worked. He knew every farmer in the valley. He knew all the people on T-C-I-D. He was like the local guy, very strong. He got us into a lot

of trouble sometimes.

Seney: How do you mean?

Strickland: Because he would take the side of the farmers in some issues that were better left undecided, because they were issues that we could not agree on. But he was, and remains, extremely knowledgeable about how those systems worked out there, how much water is needed. But then he knew everything else, too. He knew Farmer X and he knew that Farmer X was having trouble with Farmer Y because of this ditch, that the diversion structure didn't work right. He knew everything. So if we needed to know anything specifically about a place in the valley or relationships between farmers, Norm would know.

I think Norm also, being a duck hunter, it was very easy for the Waterfowl Association to identify with, and Ducks Unlimited to identify with. He's not a birder at all, although he's certainly knowledgeable. And he really is the force behind the hunters' involvement in the wetlands.

Seney: My understanding is that Ducks Unlimited played a limited role, that they were

involved for a while and then backed out for, I guess, reasons having to do with their organization and the way it operates.

Strickland: Right. Well, I couldn't give you the details of that. John Ludwig did come to a lot of our initial meetings, and somewhere along the line he didn't come to any more meetings and didn't really play a very large role in this. This was more the Nevada Waterfowl Association, which is the local Nevada duck hunters.

Seney: You mentioned the Chic Hecht appropriation for purchase of water out at Stillwater. It seems to me that was five million dollars or something. Is that the right number?

Securing Funding to Purchase Water Rights

Strickland: I don't recall the amount. In fact, my recollection was that it was money that the Fish and Wildlife Service already had, the initial pot of money.

Seney: And it was transferred.

Strickland: It was—what would the word be? It was reprogrammed from facilities, or whatever

had originally been divided up for, and made available for purchasing water rights. I think that Hecht did that through some rider to a budget bill or something like that. But it was the first very small pot of money that became available for this purpose.

Seney: Why did he do that? Did you have any role?

Strickland: Yes. We all had a lot to do with that. We met with his staff person, whose name I'm going to remember in a little bit [Scott Cameron], who was very sympathetic to the plight of the wetlands.

Part of what the coalition did is, we took everybody we could who wanted to know about the wetlands, we took them on tours, we raised money for a video that was done on Stillwater. Anybody, any time, night or day, that wanted to see the wetlands or find out the answer to some question about the wetlands, we were available. One or more of us was available to do that. And we certainly did that with Senator Hecht and with his staff people that were involved early on in the negotiations.

Seney: So that was, in part, your idea, or at least you pushed him in the direction of finding some money for wetlands purchase.

Strickland: Absolutely. In other words, we didn't know if this idea of buying water rights was going to work. We didn't know if anybody was going to be willing to sell their water rights for Stillwater. And to do it, the Waterfowl Association had started doing fund-raising dinners. They had a little money, but they didn't have a lot of money. So we decided, well, you know, does the Fish and Wildlife Service have any money that they could put into this? And they had this little pot of money that might be available. I think Senator Hecht authorized it so that it could be used for that purpose.

Then once we spent it, lo and behold, the farmers were lined up out the door and around the corner. We realized, "Hey, this may work. This may work!" So we were very happy about that.

Seney: So you got, obviously, a good response to it, to begin with.

Strickland: An excellent response.

Seney: Another element in this purchase that precedes 101-618, is it Question 5 on the 1990 ballot in Nevada?

Guaranteeing a Revenue Stream

Strickland: Yes. Along with the idea of buying water rights obviously came the second idea of, where do you get the money to buy the water rights? David Yargas drilled into our heads interminably, at meeting after meeting after meeting, of the need for a guaranteed revenue stream to purchase water rights for the wetlands. After we learned to understand David—and it's an ongoing process—

Seney: He's a very bright fellow.

Strickland: —we began to get the idea that we really had to leave no stone unturned in terms of scaring up money to buy water rights for this refuge. So it was really Tina and Dave Livermore and a few other people who thought, well, you know, I wonder if there would be—by that time, T-N-C [the Nature Conservancy] had gotten involved, and we began to ask the question, "I wonder if anybody else in the state gives a damn about Stillwater? Would they be willing?"

Well, you can't pass a bond for just one place in the state, so I think the early discussions evolved into a parks and wildlife bond that would benefit not just Stillwater,

but fish and wildlife all over the state, some places down in southern Nevada, so that if people voted for that bond, they could see the results of that money not just at Stillwater, but all over the state.

So they came up with the proposal. That was Livermore's expertise of how to put it together. And got it on the ballot, and it was an overwhelming success.

Seney: Was it 25 million altogether?

Strickland: It was something like that.

Seney: A little bit here, a little bit there, and five million for Stillwater, as you say, spread around the state to make it saleable and palatable everywhere.

Strickland: Right. And it was very popular with the voters.

Seney: Has that five million been spent yet, do you know?

Strickland: I believe that most of it has been spent. At least I believe that the State Lands Division is responsible for spending that money to buy water rights for Carson Lake, and I

believe most of it has been spent.

Seney: Right. It is for the Carson Lake pasture, isn't it.

Strickland: Yes.

Seney: Public Law 101-618 transfers the Carson Lake pasture from the federal government to the state. Why? What was the reasoning behind that?

Carson Lake Pasture

Strickland: Mr. Bettenberg's position, and therefore the position of the Department of Interior, that the feds should not bail us out on saving the Lahontan wetlands, that the state also had a responsibility to saving its own wetlands. And he wanted the state to put money up to do this and take responsibility to do it. And what went into the bill itself was the eventual transfer of Carson Lake from the federal government to the state government.

Seney: And what is the breakdown? It's about 10,000 acres of wetlands at Carson Lake and pasture, 14,000—is it 14,200 at Stillwater, and 800 on Fallon Reservation?

Strickland: That's about right. That's how the 25,000

acres broke out.

Seney: And you're confident that the state will manage that 10,000 acres in an effective fashion? You don't have any problem with that?

Strickland: Well, you're hitting a very hot issue at this very moment. Even as we speak, there are talks going on about that transfer. At first we couldn't transfer it. There's been an enormous number of excuses about that transfer since 1990. It started out by, well, what is Carson Lake? What are the boundaries? And we discovered that the private property out there only has three boundaries. The other boundary was the level of Carson Lake way back when. So there was literally no boundary for the fourth part of the square of land out there.

And that took years to work through before some very bright person found out that way back in 1925 or whatever, that the county and the state had somehow worked that out. We went back to the original deeds, where there were only three sides. So, I mean, literally you couldn't transfer it because you didn't know what "it" was.

The second big issue was mercury contamination of Carson River. The state did not want to assume the liability for that, since the feds own the land now. That somehow got worked out. I think the feds aren't transferring that liability to the state.

Seney: This was the contamination on the Carson Lake.

Strickland: On the Carson River, which brought the mercury and deposited it in Carson Lake.

Seney: Okay.

Restrictions on Water for Carson Lake

Strickland: Then the last sticky wicket has been the details of the transfer; i.e., the transfer rate. Mr. Pelcyger is representing the interest of the Pyramid Lake Tribe to decrease, if not eliminate, any diversions from the Truckee River over into Lahontan Basin, [he] insists that the feds condition the transfer of Carson Lake on the 2.99 acre foot transfer rate, rather than at the level that we're actually buying the water, which is usually 3.5 acre feet.

He also wants them to condition—he has a whole laundry list of conditions he wants

the feds to put on the transfer of Carson lake as part of his use of leverage of the tribe against the state. He uses the Indian trust responsibility to beat the feds about the head with.

There is nothing in the law that authorizes the imposition of conditions on the transfer, other than very specific things. The state must manage the area for shore birds or the land reverts back to the feds. That sort of thing. There's nothing in there about the transfer rate or whether inactive water rights would be used or not used, or all of the other things that Pelcyger is using.

Seney: That 2.99 rate he's gotten out of the Alpine Ditch Decree,²² hasn't he?

22. "The Federal Court adjudication of the relative water rights on the Carson River which is the primary regulatory control of Carson River operations today. The decree is administered in the field by a watermaster appointed by the federal district court. The decree, initiated by the U.S. Department of the Interior on May 1, 1925 through U.S. v. Alpine Land and Reservoir Company, et al., to adjudicate water rights along the Carson River. The decree was finally entered 55 years later on October 28, 1980, making it the longest lawsuit undertaken by the federal government against private parties over water rights. The decree established the respective water rights (to surface water only) of the parties to the original lawsuit, both in California and Nevada to Carson River water." See, Babylon Software, www.babylon-

(continued...)

Strickland: Yes, that is the derivation of that particular number. However, he already was successful in conditioning the transfer of all the water that we have bought for both Stillwater and Carson Lake to the 2.99. It was a temporary agreement between the tribe and the federal government that the tribe would not protest water rights transfers to the wetlands if there was no use of inactive water rights, and if it was at the lowest possible transfer rate. That was a temporary agreement arrived at, at that very first set of water transfers back in 1990, which has not been revisited by any of the parties to date.

It's very complex, but it has something to do with the feds buying at the higher rate. They transferred at the lower rate, but they don't lose the opportunity at some point in the future of calling upon the rest of it. But, of course—

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Strickland: That means we need more and more

22. (...continued)

[software.com/definition/ALPINE_DECREE_\(California_and_Nevada\)/](https://www.thesaurus.com/definition/ALPINE_DECREE_(California_and_Nevada)/)
(accessed 5/2019).

appropriations from the federal government or bond revenues or other ways to get money to buy water rights for Stillwater. We buy 3.5, but we only get to use 2.99.

Seney: There's strong feelings on your side about that, aren't there?

Reactions to Water Transfer Restrictions

Strickland: Very strong feelings.

Seney: I know some of the others that I've talked to from especially the Waterfowl Association are very annoyed, to put it mildly. Are you in the "very annoyed" category, too?

Strickland: No, I'm in the pragmatic category, which is that without that agreement, I'm not sure how much water we would have been able to get to the wetlands. So at the time it seemed the prudent thing to do, and we did support it, and we all supported it. We didn't like it. Even the Waterfowl Association supported it. But it is not 1989 or 1990. It is now almost ten years later. And we expect that to be renegotiated. We were hoping it would be renegotiated in the current talks, but so far we don't seem to be getting the kind of consideration that we

think should go into. Do we want to keep this agreement? Do we want to change it? Do we want to solve it some other way?

In fact, we have all written letters to the feds, again in an ex officio de facto way of ours, pointing out the reason for the transfer in the first place, the state complying with its part of the deal, and like let's get on with this transfer. But we have meetings scheduled with the state, with Pete Morros and with Bob Pelcyger, so, as in the old days, to talk to them, to get a real solid understanding of where they're coming from, what they'll accept, and what they won't accept.

We do not buy the Indian trust issue at all, and we don't buy the state's rights issue either, because we notice that the prime negotiators are perfectly willing to sacrifice either in order to get an advantage in the negotiations for what they really want. So we know that that's not the real issues. We don't know what the real issues really are, but as soon as we do know, then we'll act on those. [Laughter]

Seney: I guess, saying "pragmatic," given 1989 and the fact that the drought had been on for a couple of years by that time, if you had not

acceded to this, if the tribe had objected, I mean, the marshes might have been dried up long before you got a drop of water. Is that what your thinking was?

Strickland: That was exactly what our thinking was, that it was a very important point and that it needed to be argued, but it didn't need to be argued that day. So, basically, we deferred that to a later time. And indeed we have something like—I don't know what the latest figure is, maybe 21,000 acre feet now purchased—and the wetlands are in very much better shape now, in terms of their survival, than they were back in 1988 and '89.

Seney: Right. And I guess if you've got 21,000 acre feet purchased, what do you get actually—19,000 out of that or something?

Strickland: Something. There is that. We lose about 15 percent of every acre foot. And, of course, we're also members of the system. We're a part of the Newlands Project. If they only get a 90 percent year, we only get 90 percent of our water, too, whereas subject to how much it snows in the Sierra as any other user on the system, or Pyramid Lake, for that matter.

Seney: Right. Have you taken part in the—I don't know if I want to say "machinations"—I'm not quite sure what the word is—on the E-I-S [Environmental Impact Statement] on the wetlands purchases?

Environmental Impact Statement

Strickland: The one that's been completed?

Seney: Yes.

Strickland: Or the legal issues about whether it was adequate or not?

Seney: Well, I guess there's both. First of all, its been completed. Then I think what you're referring to is a circuit court of appeals opinion of several weeks ago that its not adequate, that there must be a programmatic E-I-S.

Strickland: Well, I don't believe that was what the circuit court decided.

Seney: All I'm doing is quoting the *Reno Gazette Journal*.

Strickland: Well, you should not do that.

Seney: [Laughter] Okay. Then set me straight.

What did they decide?

Strickland: I did not read the opinion, but I understand that the opinion said that Churchill County and the city of Fallon have legal standing to raise those issues in court. They did not make the decision.

Seney: Okay. Then there will be a trial, presumably, at the district court level to determine whether or not in fact that—

Strickland: In fact, I don't think they have a snowball's chance of prevailing on it.

Seney: Yes. What about the management plan for the refuge? Have you been—

Wetlands' Management Plan

Strickland: Yes, we were all very deeply involved with the management plan.

Seney: Describe what that means, the management plan, and why you are interested in that, too.

Strickland: First of all, the first issue you raised was the E-I-S that was done on the acquisition program. We're all very deeply involved in that.

Seney: Okay. Is there anything we should talk about on that?

Strickland: Oh, that was such a long time ago and so much water under the bridge—pardon me. I remember we went through many, many hearings, meetings, different write-ups of the alternatives. The big issue was, were they going to depend on purchasing water or leasing water? We hated leasing water. We thought that that was not a good, sound way to spend public funds for a refuge, and I think we generally prevailed on that particular hot topic.

I think we were generally supportive of the E-I-S process. It did answer a lot of questions. A lot of facts came out on the table. A lot of fears, we hope, were allayed by it. So, we were generally okay with it. It didn't come out exactly the way we wanted it to, but it was pretty good. And I know it took a long time and a lot of work went into it, so we appreciated that part.

Seney: Now that you mention it, let me ask you one other thing about that, and that is, in the Settlement 2 negotiations and in the E-I-S, as well, the purchase, there was accounting of the S-line Reservoir and Harmon Reservoir as part of the wetlands itself.

Settlement 2 Negotiations

Strickland: Right.

Seney: Amounting to—I can't remember the acre figure for that. Do you recall what it was when you put the Harmon and the S-line—

Strickland: No, I don't.

Seney: And there's another reservoir [Schenkler]. I'm forgetting one.

Strickland: That was a topic of debate as to whether adding in all of the ditches and reservoirs would then reduce the 25,000 acres. I believe that argument was settled by adhering strictly to the law which described precisely what areas were included in the 25,000 acres. But there was a recognition in the E-I-S of the wildlife values of those reservoirs and some of the other areas of Lahontan Valley.

But the federal appropriations can only be spent to buy water rights for the areas identified. So if we want to buy water rights or somehow maintain water for the reservoirs, that has got to come from a different source of funds.

Seney: Okay.

Strickland: The issue was whether if you counted it as a wildlife asset, would the water come from wildlife funding sources or farming sources? Since the reservoirs were operated specifically for agricultural, to pass through agricultural water rights, it occurred to us that perhaps there would not be much flexibility in managing that water for wildlife if there came a need to use that water for agricultural production.

And so that's how it kind of worked out. It wasn't clearly black and white. We recognized there were values, but we recognized there were legal constraints, and if you want to claim benefits of those reservoirs, then you had to have some real control over managing those reservoirs for wildlife. Otherwise, it won't work.

Seney: Apparently this was kind of offered, counting these in some way in the Settlement 2 negotiations, as a—what do I want to say? A kind of bait or a concession to T-C-I-D. They'd insisted all along, of course, that those things ought to be included in the wetlands, and maybe their fields, too, because the birds feed off them. You're familiar with the arguments they

make.

Strickland: Quite.

Seney: Right.

Strickland: However, the Sierra Club did not participate in negotiations number two.

Seney: I know that Fred Wright was at the table with David Yardas and Graham Chisholm,²³ as the conservation caucus. So you didn't participate?

**Sierra Club did not Participate in Settlement 2
Negotiations**

Strickland: We did not participate.

Seney: Why not?

Strickland: There was a requirement that if you even attended the meetings, you had to sign an oath that you would not disclose what went

23. Graham Chisholm participated in Reclamation's Newlands Series oral history project. See, Graham Chisholm, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2011, www.usbr.gov/history/oralhist.html.

on in the meetings outside the meetings. The Sierra Club would not participate under those constraints, because we do not believe in making public policy a secret in smoke-filled rooms, so to speak. It was a matter of principle. We would not participate in that kind of process. And then it was for me a more pragmatic reason, which is that those were very time-consuming and I did not have any doubt in my mind that they would fail. Because I really think the first set of negotiations made every possible attempt to include the lower basin issues, and those failed. And I was almost totally certain that the second round would fail, too. And they did fail.

Seney: That's interesting. I know that I have run up against this confidentiality pledge, not so much now. People are willing to talk about it now, and people kept notes and kept papers, and I've encouraged all the people that I've talked to, to give those papers to the U-N-R [University of Nevada-Reno] Library, you know. [Laughter] So I hope it will all come out. But it was a frustration to me, too, that this was kept secret and all. So I can understand the organization's viewpoint.

Strickland: We felt very strongly that if good ideas

came up, then everybody should, you know –they would be good and everybody would support them. But if bad ideas came up, we certainly wanted to know about them early on. And I realize that the negotiation process is not the same as a public process, but, nevertheless, I felt that constraint was not necessary and actually detrimental to building any kind of public consensus for lower basin solutions, or solutions to lower basin problems. I just didn't think it was the right way to go.

Seney: Yes. Well, it didn't turn out to produce anything.

Strickland: Oh, no, it produced a tremendous amount of value. It educated a whole new set of people who just got into—including Graham Chisholm, who just got into the issue, and Betsy Rieke.²⁴ New people that needed to

24. Elizabeth (Betsy) Ann Rieke served as Assistant Secretary of the Interior for Water and Science under the Clinton administration from 1993 to 1996. Ms. Rieke also participated in Reclamation's Newlands Series oral history project. See, Elizabeth (Betsy) Rieke, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation oral history interview conducted by Donald B. Seney, edited by Donald B. Seney and further edited and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2013, www.usbr.gov/history/oralhist.html.

be brought up to speed on everything that went before and what the real issues were. And then Betsy has come back now as the director of the B-O-R office in Nevada. She has much more of a background now in those issues than if she'd never been involved in those negotiations.

I think also everyone sort of became aware of the inability of the Churchill County folks to articulate even among themselves what they wanted and what they didn't want. And to be able to present those in a way that other people could respond to them, help them out. The negotiations on the lower river are very much different from negotiations on the upper river and on the California side. Those negotiations were infused with what I call the "can do" spirit. If there was a problem, it wasn't a problem; it was an opportunity for people to be creative in solving those problems.

Seney: These are the TROA negotiations.

TROA Negotiations

Strickland: Yes. Even on the E-I-S, they were very difficult questions between the state of California and the rest of the group, between Truckee and everybody else. And those

negotiators were fantastic in coming up with ways of solving other people's problems and meeting other people's requirements and interests. And they didn't create one more acre foot of water, and nobody lost any water. It was the way they did it. It was an approach. It was an attitude.

And I do not see that attitude even today in the lower basins. I may be wrong, and I know there are continuing negotiations going on, but at least publicly you do not see that "We want to make it work" attitude. All you see is, "We want negotiations to fail. We don't want anything to change." The head-in-the-sand attitude. But maybe those second round of negotiations was part of the process the community needed to go through. I don't know. Only history will be able to tell.

Seney: Well, I stand corrected, because I would agree with you on the points you've made. My thing was they failed in the sense that they didn't produce a specific agreement.

Strickland: Yes.

Seney: But I also agree with you that these other factors are very important in terms of what

the process did produce. What do you think of Betsy Rieke's coming back? This is a Bureau of Reclamation project, and before we started, you were talking about conflicts with the Bureau, and I told you we want to know about those. What do you think about Betsy coming back? Will that make a difference with the Bureau? And then what is your general take on the Bureau and your experience with it?

Bureau of Reclamation

Strickland: I think the Bureau has been, like many government agencies, caught between the old days and the new days. They're as mired in their history as any other agency I've ever dealt with, including the Bureau of Land Management and the Forest Service.

The public's expectations change. The laws change. Needs change. And bureaucracies are not set up to be flexible and to change. If you read what comes out publicly about the Bureau of Reclamation's mission and their environmental consciousness, it all sounds good, but *nothing* has changed in the way they operate. They are still operating out of that first mind-set of making the desert bloom. Any environmental thing they say is either a

mitigation or trying to dress up a development project.

I just don't see any of the people who grew up in that culture, I don't see ~~those changes~~ [them changing]. Newer people like Betsy Rieke, who come in later, don't have that mind-set. And so we're hoping that she will be able to be a kind of a bridge between this very hide-bound, anti-environmental agency, with the words that the Bureau is telling the public today, that she'll make them walk the talk, so to speak.

On the other hand, you know, there must be something about the agency she really likes. So, she's going to be under constant pressure from her own staff and their own interests to essentially the only public that the Bureau of Reclamation sees are their customers, the water users. They do not see the public as the term is in common usage, especially the public that is paying the bills and providing the tax money for all of these projects that are personally financially benefitting private people. And it remains to be seen whether she will be successful or not.

Seney: Let me ask you, then, to comment on the

management plan for Stillwater. We started there a minute or two ago.

Management Plan Revisited

Strickland: What made you think of that?

Seney: Because I want to make sure we get that on.

Strickland: Well, you weren't going to let me talk about the Humboldt Project²⁵ title transfer?
[Laughter]

Seney: No, I want to hear about that. My charge is solely the Newlands Project. [Laughter] I let you talk about Walker Lake a little bit.

Strickland: That is very true. That was very nice. Although there is a slight authority for the Bureau of Reclamation to operate in that river, it's not very wide.

Seney: But what do you think of the management plan out at Stillwater, the refuge? Have you

25. The Humboldt Project is located in northwestern Nevada on the Humboldt River. Rye Patch Dam and Reservoir is on the Humboldt River about 22 miles upstream from Lovelock, the county seat of Pershing County. The dam stores river flows for diversion to irrigated lands. For more information, see Robert Autobee, "Humboldt Project," Denver: Bureau of Reclamation History Program, 1993, www.usbr.gov/projects/pdf.php?id=124.

been involved with that?

Strickland: We've all been involved with that. We're trying to work out some kind of common ground on the management of the recreation use. And the real nitty-gritty of management, what percent would be in sanctuaries, what percent would be available for environmental education, for bird watchers, for hunters, for fishermen. Very much involved, for me, with the cattle grazing. Refuges have their own organic act now, and they're supposed to be being managed for compatible uses to improve bio-diversity and so forth. That refuge has not at all been managed that way in the past.

Seney: Cattle grazing is very detrimental, isn't it?

Strickland: Well, it can be. It depends on how its done. And in the particular way its been done, its been very detrimental, I believe, to the biological resources, even to the waterfowl out there, much less the shore birds and a whole bunch of other things.

But the problem with that was an institutional problem. It was a fifty-year tripartite agreement where grazing was allowed, a very small amount of money was

collected and given to T-C-I-D by the Fish and Wildlife Service. There was no management, no livestock grazing management plans at all. Everything was very traditional. No recognition of biological needs or anything like that. And that only expired like in 1998. I believe it was '98.

Seney: Yes, I think so.

Strickland: So maybe it expires at the end of the year.

Seney: Could be, yes. It was '47 or '48 it was signed, so, yes, its about to expire or just did. I can't remember which.

Strickland: Right. So we really desperately need the management plan to come soon now so we can resolve some of those issues, like should there be any grazing or should it be used prescriptively for a particular natural resource need, and that sort of thing.

Seney: What about the TROA? You've mentioned elements of it. Have you been active in the negotiations over the TROA?

Sierra Club and TROA

Strickland: Not really, although the meetings are open,

so at least if you're interested in spending four or five or six hours in excruciatingly technical discussions, anyone could do that. We knew generally what was going on, but we haven't been really directly involved in it. I have commented on it for the Sierra Club and I have found a lot of very good parts of the document.

Where I disagree is, I don't find any mitigation for the middle Truckee River. Its really good on the California side of the line, and there's even restoration for the lower Truckee River, but the E-I-S essentially writes off the middle Truckee River. This isn't the fault of the E-I-S; this is the fault of the negotiators for not both coming up with the right issues to tackle, tackling those issues, and/or coming up with mitigation for the issues you couldn't tackle. So that's really the fault of the Nevada negotiators.

The problem, of course, is that the Truckee River has about, we figured at one point, forty to fifty different federal, state, and local entities, government entities, that govern, have some piece of Truckee River. So, there's no real strong voice for the Truckee River like there wasn't one for

Stillwater way back when. So if you hear no voices, you make no deals, and that's reflected in the E-I-S. It was a deficiency, in my mind, of dealing with the middle Truckee and specifically with minimum in-stream flows to keep water in the river. We don't have that. And the other problems with a more environmentally sound way of managing that river—diversions, diversion structures that suck fish out of the river. All kinds of things that don't need to be the way they are, but nobody dealt with them, and so they didn't get dealt with.

Seney: That's all the questions I have. Is there something we didn't cover, that you want to comment on? I asked you mostly about the wetlands business, but are there other elements of it that you'd like to discuss?

Relationship with Bob Pelcyger

Strickland: I guess I might as well, in the interest of disclosure, admit that there were divisions in the Sierra Club over the wetlands, too. There was the already existing strong feeling for Pyramid Lake in the Toiyabee Chapter, and it was newer people who were also concerned about Stillwater. So there was quite a bit that we had to work out ourselves internally before we could really

begin whole-hearted involvement in the Wetlands Coalition.

But I think eventually that did work out, especially when everyone realized that we were not going to do what Senator Hecht told us. We were not going to sacrifice Pyramid Lake to save the wetlands. But there were some pretty touchy times and touchy situations. The one I remember was, it was my first meeting with Bob Pelcyger. I guess this must have been back in '87 or '88. I was invited to lunch with Pelcyger and one of the more historical members of the Sierra Club, and I had the flu. I was sick as a dog. My head was stuffed up. At the last minute—I really wanted to go, but I was too sick, and so I called at the last minute and canceled.

Well, as it turned out, they had their lunch anyway, and they decided that I must have been legging it, because they came over to see me. It was an excruciating discussion for me, and it ended up with not only was I no match for—I didn't know that much about the issue at the time, but there was no way I was a match for Bob Pelcyger at the time. And every issue that I raised, he just steamrolled right over me.

Finally, you know, it got to the point where I wasn't even seeing him. My eyes were tearing, and I said, "Well, I guess the wetlands are just doomed. I guess there's just no hope. Do you see any hope for the wetlands, Mr. Pelcyger?"

And he said, "No, I really don't."
[Laughter] "They're an accident of the Newlands Project," or something like that.

And in order to get them out of my house, I didn't raise any more objections at the time, but I thought in the deepest heart of my hearts, "The hell you say! The hell you say!" And that was really what gave me my determination to find—I didn't like the answer. I didn't like the idea that we were going to destroy the wetlands to save the lake. I didn't think that was right. I didn't know why it was wrong, I just felt that it was wrong, wrong, wrong, and even though at the time I had no physical or mental resources to even consider how we would be able to save the wetlands and the lake, I knew there was a way. I knew there must be ways, and so I just refused that. But I didn't disagree with Pelcyger at the time, because I couldn't think of any other way to get him out of my house. [Laughter] I don't think I've ever told him that story.

Seney: [Laughter] Well, that's great. That's the way things happen sometimes, is that these things backfire on one, and you create an opponent where you may not have had one.

Strickland: He did not have me as an opponent at the beginning, but he definitely had me as an opponent at the end of that particular meeting. But, you know, he's the best kind of opponent anyone could ever have—totally professional, intelligent, creative, sneaky.

Seney: Charming.

Strickland: Charming guy who, you know, you learn from every time you cross swords, a kind of guy who's always thinking about twenty moves in the future. You think he's losing on something, but he's already figured out how to kill you two years down the line.

When Pelcyger complains about some position that the Wetlands Coalition has taken on some issue, we always smile at him and we say, "We're only doing what our teacher has taught us to do." And he always knows that we are talking about Bob Pelcyger, that even when we're losing, we're learning. And somewhere down the line we'll be able to put into use something that

we've learned from him directly, or just a technique that he uses to negotiate. We were certainly not experts on negotiation, and still aren't, but we certainly have come a long way from where we started. [Laughter] And it always gives us great pleasure to give him credit.

Seney: Again, that's all I have to ask. I really appreciate it, on behalf of the Bureau of Reclamation.

Strickland: [Laughter] Yeah, right.

Seney: No, I really mean it. I thank you for the time and the information.

Strickland: You're welcome.

END SIDE 2, TAPE 2. OCTOBER 27, 1998.
END OF INTERVIEW.